

EEOC vs. NEA-ALASKA
Deposition of Nelson Okino

April 12, 2002

"We'll cover your job ANYWHERE in the country!"

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<p>1 EQUAL EMPLOYMENT * IN THE</p> <p>2 OPPORTUNITY COMMISSION, * UNITED STATES</p> <p>3 Plaintiff, * DISTRICT COURT</p> <p>4 vs. * FOR THE</p> <p>5 NATIONAL EDUCATION * DISTRICT OF ALASKA</p> <p>6 ASSOCIATION-ALASKA, * CASE NUMBER:</p> <p>7 Defendant. * CIVIL ACTION NUMBER:</p> <p>8 * AO-0225CV (JKS)</p> <p>9 * * *</p> <p>10 DEPOSITION OF:</p> <p>11 NELSON S. OKINO,</p> <p>12 was taken on Friday, April 12, 2002, commencing</p> <p>13 at 9:45 a.m., at the Equal Employment Opportunity</p> <p>14 Commission, 1801 L Street, N.W., 7th Floor</p> <p>15 Conference Room, Washington, D.C., before Cheryl</p> <p>16 Jefferies, Notary Public.</p> <p>17 COURT REPORTERS, ETCetera, INC.</p> <p>18 Maryland Washington</p> <p>19 (410) 653-1115 (202) 628-DEPO</p> <p>20 "We'll cover your job ANYWHERE in the country!"</p> <p>21 1-800-947-DEPO</p>	<p>1 I-N-D-E-X</p> <p>2 Deposition of Nelson S. Okino</p> <p>3 April 12, 2002</p> <p>4</p> <p>5 EXAMINATION BY: PAGE:</p> <p>6 Ms. Flores 5</p> <p>7 Mr. Venneberg 63</p> <p>8 Ms. Flores 86</p> <p>9 Mr. Venneberg 87</p> <p>10 Ms. Longenbaugh 95</p> <p>11 Ms. Flores 103</p> <p>12 Mr. Venneberg 110</p> <p>13</p> <p>14 EXHIBITS: PAGE:</p> <p>15 24 February 23, 1998 E-mail 46</p> <p>16 25 9/21/98 E-mail 46</p> <p>17 26 November 10, 1998 Letter 53</p> <p>18 27 Application Form 55</p> <p>19 28 Payroll Records 65</p> <p>20</p> <p>21 (Exhibits included with transcript.)</p>
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<p>1 APPEARANCES:</p> <p>2</p> <p>3 On behalf of the PLAINTIFF:</p> <p>4 CARMEN FLORES, ESQ.</p> <p>5 U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION</p> <p>6 Seattle District Office</p> <p>7 Federal Office Building</p> <p>8 909 First Avenue</p> <p>9 Suite 400</p> <p>10 Seattle, Washington 98104-1061</p> <p>11 (206) 220-6916</p> <p>12</p> <p>13 On behalf of the CHARGING PARTIES:</p> <p>14 TERRY A. VENNEBERG, ESQ.</p> <p>15 BONJOURNI, HARKNESS</p> <p>16 1026 Harvey Road</p> <p>17 Auburn, Washington 98002</p> <p>18 (253) 833-5840</p> <p>19</p> <p>20 On behalf of the DEFENDANT:</p> <p>21 LESLIE LONGENBAUGH, ESQ.</p> <p>22 SIMPSON, TILLINGHAST, SORESENSEN & LONGENBAUGH</p> <p>23 One Sealaska Plaza</p> <p>24 Suite 300</p> <p>25 Juneau, Alaska 99801</p> <p>26 (907) 586-1400</p> <p>27</p> <p>28 - and -</p> <p>29 MAURICE JOSEPH, ESQ.</p> <p>30 NATIONAL EDUCATION ASSOCIATION</p> <p>31 1201 16th Street, N.W.</p> <p>32 Washington, D.C. 20036-3290</p> <p>33 (202) 822-7035</p>	<p>1 P-R-O-C-E-E-D-I-N-G-S</p> <p>2 MR. JOSEPH: In complying with the</p> <p>3 30(b)(6) subpoena, we have now proffered the</p> <p>4 remainder of the payroll records that were</p> <p>5 identified in the document submitted by the EEOC</p> <p>6 on or around the 15th of March, 2002,</p> <p>7 specifically Item Number 7. So we believe now</p> <p>8 that we've complied fully with Item Number 7.</p> <p>9 There is a possibility there may be some</p> <p>10 duplication in there because of documents that</p> <p>11 were produced yesterday pursuant to that same</p> <p>12 item. But to that extent, those should be weeded</p> <p>13 out.</p> <p>14 MS. FLORES: Thank you.</p> <p>15 WHEREUPON --</p> <p>16 NELSON S. OKINO,</p> <p>17 a Witness called for examination, having been</p> <p>18 first duly sworn, was examined and testified as</p> <p>19 follows:</p> <p>20 EXAMINATION</p> <p>21 BY MS. FLORES:</p>

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<p style="text-align: right;">Page 41</p> <p>1 involvement?</p> <p>2 A. Right.</p> <p>3 Q. Can you tell me, please, what you told</p> <p>4 her?</p> <p>5 MS. LONGENBAUGH: Objection.</p> <p>6 A. I indicated to her what I've already</p> <p>7 stated, that Larry Diebold had indicated that</p> <p>8 Mississippi was making Mr. Harvey available for</p> <p>9 an assignment, and that he was exploring whether</p> <p>10 or not -- I perceived of an assignment or a</p> <p>11 situation where Mr. Harvey would be able to</p> <p>12 continue to work.</p> <p>13 Q. Is that all you told her about that?</p> <p>14 MS. LONGENBAUGH: Objection.</p> <p>15 A. As far as I can recollect.</p> <p>16 Q. Okay. And she asked you if you knew</p> <p>17 Mr. Harvey and what did you tell her about that?</p> <p>18 MS. LONGENBAUGH: Objection.</p> <p>19 A. That I -- I'd known him for about 10</p> <p>20 years or so, and in what capacity.</p> <p>21 Q. Okay. And these questions and your</p>	<p style="text-align: right;">Page 43</p> <p>1 arranged the placement of Mr. Harvey to the</p> <p>2 Alaska office, that he had been charged with</p> <p>3 assault by a nurse?</p> <p>4 MS. LONGENBAUGH: Objection.</p> <p>5 MR. JOSEPH: Objection.</p> <p>6 Q. Answer.</p> <p>7 A. No.</p> <p>8 Q. I'm sorry, I didn't mean to snap at</p> <p>9 you.</p> <p>10 A. No.</p> <p>11 Q. No?</p> <p>12 A. No.</p> <p>13 Q. At the time that Mr. Diebold called</p> <p>14 you, what exactly did you know about Mr. Harvey</p> <p>15 in terms of his work performance with NEA?</p> <p>16 A. Very little, other than the fact that</p> <p>17 Mr. Diebold indicated that he was available.</p> <p>18 Q. And had he, to your knowledge,</p> <p>19 exhausted the contract with Mississippi at the</p> <p>20 time that he --</p> <p>21 A. I'm sorry?</p>
<p style="text-align: right;">Page 42</p> <p>1 responses took 45 minutes?</p> <p>2 A. Approximately.</p> <p>3 Q. Okay. You've been able to summarize</p> <p>4 to me what you told her and it's taken all of two</p> <p>5 minutes. Is there anything else that you recall?</p> <p>6 MS. LONGENBAUGH: Objection.</p> <p>7 A. No.</p> <p>8 Q. Do you recall if she asked you whether</p> <p>9 he had any previous claims or problems that you</p> <p>10 knew of?</p> <p>11 MS. LONGENBAUGH: Objection.</p> <p>12 A. No.</p> <p>13 Q. Prior to your involvement in placing</p> <p>14 Mr. Harvey in the Alaska office, were you aware</p> <p>15 of any claims against Mr. Harvey in any previous</p> <p>16 NEA employment setting?</p> <p>17 A. No.</p> <p>18 Q. Do you know an individual by the name</p> <p>19 of Carole Jeffries?</p> <p>20 A. No.</p> <p>21 Q. Were you aware at that time that you</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. Had his contract concluded with</p> <p>2 Mississippi at the time they made him available?</p> <p>3 MR. JOSEPH: Objection.</p> <p>4 A. It was my understanding that he still</p> <p>5 had a personal service contract in place.</p> <p>6 Q. So what did you do next after this</p> <p>7 conversation with Mr. Diebold?</p> <p>8 MR. JOSEPH: Objection. Vague as to</p> <p>9 time. "Do next," what do you mean?</p> <p>10 Q. After the conversation with Mr.</p> <p>11 Diebold where he made it known to you that Mr.</p> <p>12 Harvey was available, did you do anything towards</p> <p>13 helping to find him another spot or assignment?</p> <p>14 A. I contacted Vernon Marshall.</p> <p>15 Q. And why Vernon Marshall?</p> <p>16 A. Vernon Marshall and I had had previous</p> <p>17 conversations about his temporary vacancy in the</p> <p>18 assistant executive director's position.</p> <p>19 Q. So what did Mr. Marshall say to you --</p> <p>20 I mean, you contacted him, and what did you say</p> <p>21 to him?</p>